IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

W.P(C).No. 36690 of 2007(P)

PETITIONER:

PREETHA A.S., D/O. PRABHAKARAN PILLA,
AGED 35 YEARS, MOHAN BHAVAN, H.NO.III/605,
PONNARIMANGALAM, MULAVUKADU P.O., ERNAKULAM.

BY ADV. SMT.NAINA RAJI NAIR
SRI.D.B.BINU
SRI.M.J.JOHNSON

RESPONDENTS:

1. **THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY, MINISTRY OF FINANCE (LAND AND REVENUE).**
2. **THE SUB REGISTRAR, ERNAKULAM.**
3. **THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

BY GOVT. PLEADER, SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 36690 OF 2007 P

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Dated this the 17th December, 2007

J U D G M E N T

Ext. P2 is the order passed by the Judicial Ist Class Magistrate-I, Ernakulam under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The court, inter alia, ordered that the counter petitioner is restrained from alienating or disposing or encumbering the petition A scheduled property except with the leave of the court under Sections 18 and 19 of the said Act. Petitioner submits that on the passing of the said order she had made Ext. P3 application to the 2nd respondent for entering the contents of the order in the encumbrance register or in the appropriate registers. Since the 2nd respondent did not take action on the representation so made by the petitioner, this writ petition has been filed.

2. On instruction, the learned Govt. Pleader points out that under Section 89(5) of the Registration Act, 1908 if an order in the nature of Ext. P1 has been passed unless a copy is received from the

court concerned, the authorities are not in a position to make entries as sought for by the petitioner.

3. In view of the statutory provision as pointed out by the learned Govt. Pleader I cannot find fault with the 2nd respondent. Irrespective of this, since Ext. P1 order has become final, it has to be given full effect to. For this purpose it will be open to the petitioner to make an application before the court concerned in which event the petitioner's application will be considered and appropriate orders passed thereon.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-